



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 28, 2005

**REGISTERED MAIL**  
**RB 336 144 203 US**

Mr. Philip L. Hoffman  
US Army Corps of Engineers  
Planning Branch  
P.O. Box 3755  
Seattle, WA 98124-2255

Dear Mr. Hoffman:

**RE: Order # 2509**  
**U.S. Army Corps of Engineers Reference # PL-05-03**  
Water Quality Certification and Coastal Zone Management Consistency Determination to authorize construction of mitigation and restoration projects upstream of Howard Hanson Dam, King County, Washington.

The request for certification for proposed work in the Green River has been reviewed. On behalf of the state of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of state law. This letter also serves as the State response to the Corps of Engineers.

Pursuant to 16 U.S.C. 1456 et. seq. (Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended), the Department of Ecology (Ecology) concurs with the applicant's determination that this work will be consistent with the approved Washington State Coastal Zone Management Program. This concurrence is based upon the applicant's compliance with all applicable enforceable policies of the Coastal Zone Management Program, including Section 401 of the Federal Water Pollution Control Act.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Rebekah Padgett at (425) 649-7129. Written comments can be sent to her at the Department of Ecology, 3190 – 160<sup>th</sup> Ave. SE, Bellevue, WA 98008. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeannie Summerhays  
Section Manager  
Shorelands and Environmental Assistance Program

JS:ak:dh  
Enclosure  
cc: Larry Fisher, WDFW



<b>IN THE MATTER OF GRANTING A</b>	) <b>ORDER # 2509</b>
<b>WATER QUALITY</b>	) <b>Corps Reference No. PL-05-03</b>
<b>CERTIFICATION TO</b>	) Construction of engineered log jams and habitat
<b>U.S. Army Corps of Engineers</b>	) features for mitigation and rehabilitation
in accordance with 33 U.S.C. 1341	) associated with the Howard Hanson Dam
FWPCA § 401, RCW 90.48.120, RCW	) Additional Water Storage Project, located
90.48.260 and Chapter 173-201A WAC	) upstream of Howard Hanson Dam, King County,
	) Washington.

TO: Philip L. Hoffman  
U.S. Army Corps of Engineers  
Planning Branch  
PO Box 3755  
Seattle, WA 98124-2255

On April 15, 2005, a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA §401). The proposed project entails construction of habitat features, including engineered log jams and large wood placement, to enhance fisheries habitat. The purpose of the project is to restore and increase Chinook salmon spawning and rearing habitat that has been impacted by the Howard Hanson Dam.

**2005 Green River and North Fork log jam and excavation sites**

Upper North Fork TRI-1.3	Requires in-water construction
Sweeney Creek	No in-water construction
Welchers Field East	Requires in-water construction
Maywood	Requires in-water construction
Nagrom	No in-water construction
Hot Springs	Requires in-water construction
Lester MP 5.5	Requires in-water construction
6 Mile Washout	Requires in-water construction
Lester Reload	Requires in-water construction
North Fork Ponds	Requires in-water construction
Humphrey	Requires in-water construction
Loose wood placement at RM 60	No in-water construction

**Helicopter LWD placement sites**

Cottonwood Creek	No in-water construction
Piling Creek	No in-water construction
McDonald Creek	No in-water construction
Gale Creek	No in-water construction
Charley Creek	No in-water construction



**AUTHORITIES:**

For purposes of this Order, the term "Applicant" shall mean the U.S. Army Corps of Engineers and its agents, assigns, and contractors.

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 303, 306 and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

**CONDITIONS OF ORDER # 2509 AND WATER QUALITY CERTIFICATION:**

In view of the foregoing and in accordance with 33 U.S.C. 1341, RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the following conditions:

**A. No Impairment of Water Quality:**

- A1. The Green River is classified as Class AA waters of the state. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology. Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

**B. Short Term Modification to Water Quality Standards:**

- B1. Construction activities waterward of the ordinary high water mark may cause water quality effects that will exceed the state water quality criteria specified in Chapter 173-201A WAC. Per WAC 173-201A-110, Ecology may grant a modification to the standards to allow for exceedances of the criteria on a short-term basis when necessary to



accommodate essential activities. The Green River is classified as Class AA and the criteria of that class apply except as specifically modified by this Order. Turbidity in Class AA waters shall not exceed 5 NTU over background when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

- B2. Mixing zones (or zones of disturbance) can be authorized to allow for temporary exceedances of certain water quality standards in state waters immediately adjacent to a permitted project, after all known, available, and reasonable methods of prevention, control and treatment have been implemented. For this project, a mixing zone of 600 feet from the downstream edge of the in-water activities is considered reasonably sufficient to allow for temporary water quality exceedances. Within the mixing zone, the Class AA standard for turbidity is waived. All other applicable water quality standards shall remain in effect within the mixing zone and all other water quality standards are to be met outside of the authorized mixing zone.
- B3. This modification shall remain in effect for the entire duration of time necessary to complete the work. However the waiver of specified standards within the mixing zone is intended for brief periods of time (such as a few hours or a day) and is not an authorization to exceed those standards for the entire duration of construction. In no case does the waiver authorize degradation of water quality that significantly interferes with or becomes injurious to characteristic water uses, including fisheries habitat, or causes long-term harm to the Green River.

**C. Notification Requirements and Start-of-Construction Meeting:**

- C1. At the initiation of construction activities requiring river crossings, the Applicant shall hold an on-site meeting with the project manager, appropriate Corps personnel, all necessary construction contractors, and State agency representatives including Department of Ecology and Washington Department of Fish and Wildlife Area Habitat Biologist (Larry Fisher, 425-649-7042). During this meeting, the Area Habitat Biologist will provide direction regarding stream crossings and movement of equipment below the ordinary high water mark. Notification of the meeting shall occur at least 5 working days in advance of the meeting.

**D. Stormwater Management:**

- D1. Construction practices shall comply with the applicable requirements of Ecology's Stormwater Management Manual for Western Washington, February 2005.

**E. Construction:**

- E1. The Applicant shall adhere to the May 23, 2005 Memorandum for Record 2005 Howard Hanson Dam AWSP Fish Habitat Rehabilitation "Proposed Project Specific Construction



Sequences and BMPs" to the extent practicable. Variations in sequence or BMPs are allowed if the variation results in equivalent or reduced environmental effect or impact.

- E2. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards (*e.g.*, detention areas, filter fences, etc.), shall be in place before starting clearing and construction at the impact site.
- E3. Equipment used for this project shall be free of external petroleum-based products while working in/near the river. Soil or debris shall be removed prior to work below the ordinary high water line.
- E4. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- E5. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- E6. Clean Fill Criteria: Applicant shall ensure that fill (rock, gravel) placed for the proposed project does not contain toxic materials in toxic amounts.
- E7. The Applicant shall implement all specifications for erosion and sediment control specified in the TESC and all contract documents. Adjustments to planned erosion and sediment control may be necessary to successfully control off-site movement of materials.
- E8. Temporary impacts to vegetation shall be limited to the amount necessary for construction, access, and stockpiling/staging areas. These disturbed areas shall be replanted with native vegetation within the first appropriate planting season after construction is completed and maintained or replanted as necessary to ensure 80% survival after three years.
- E9. Periodic inspection and maintenance of all erosion control structures shall be conducted no less than every 7 days from the start of the project to site stabilization. Additional inspections shall be conducted prior to and after expected rainfall events to ensure erosion control measures are in working conditions. Any damaged structures shall be immediately repaired. If it is determined at the inspection that additional measures are needed to control stormwater and erosion, they shall be implemented immediately.
- E10. A contingency plan shall be developed detailing actions to be taken in the event of adverse weather conditions or other foreseeable undesirable conditions.



- E11. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters. All fueling areas will be provided with adequate spill containment. During fueling and servicing of equipment, BMPs shall be in place to contain any spill of petroleum products.

**F. Emergency/Contingency Measures:**

- F1. In the event the Applicant is unable to comply with any of the permit terms and conditions due to any cause, the applicant shall:
- Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
  - Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at (425) 649-7000, and within 24 hours to Ecology's Federal Permit Coordinator at (425) 649-7129.
  - Submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

- F2. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. No refueling of equipment shall occur over, or within 50 feet of the river.

**G. Notification**

- G1. Applicant shall provide notice to Ecology's Federal Permit Coordinator Rebekah Padgett at least 3 days prior to the start of construction. Notification can take place by e-mail to [rp461@ecy.wa.gov](mailto:rp461@ecy.wa.gov), telephone to (425) 649-7129, fax to (425) 649-7098, or in writing.

**H. General Conditions:**

- H1. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
- H2. The applicant will be out of compliance with this certification if the project is constructed and/or operated in a manner not consistent with the project description contained in the



Public Notice for certification, or as otherwise approved by Ecology. Additional mitigation measures may be required through other local, state, or federal requirements.

- H3. This Order is valid for a period of not more than five years after the signature dated on the last page of this Order. The Applicant shall reapply with an updated application for certification if five years elapse between the date of the issuance of this Order and the beginning of construction and/or discharge.
- H4. The applicant will be out of compliance with this certification and must reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals. Any future action at this project location, emergency or otherwise, that is not defined in the Public Notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- H5. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
- H6. To avoid violations or non-compliance with this Order, the applicant shall ensure that project managers, construction superintendents, and other responsible parties have read and understand relevant aspects of this Order and any subsequent revision or Ecology-approved plans.
- H7. The applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- H8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
- H9. Liability: Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

#### **Appeal Process:**

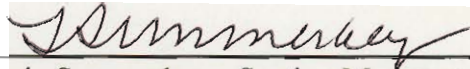
Any person aggrieved by this Order may obtain review thereof by appeal, within thirty (30) days of receipt of this Order, to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department

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of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated June 28, 2005 at Bellevue, Washington.



Jeannie Summerhays, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington